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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,562	11/20/2001	Shanku S. Niyogi	50037.67US01	1676

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EXAMINER

KENDALL, CHUCK O

ART UNIT PAPER NUMBER

2192

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,562

Applicant(s)

NIYOGI ET AL.

Examiner

Chuck Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 04/13/05.
2. Claims 1 – 28 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 –27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. USPN 6,473,609 B1 in view of Himmel USPN 6,167,441.

Regarding claim 1, Schwartz discloses a computer-implemented method for providing content to a target device, the method comprising:

identifying a device associated with the target device (7: 55 – 65);

compiling an application based on a page file including information describing the content to be returned to the target device, the information including statements that provide choices for user interface display properties of the content to be returned, the choices being based on the device class of the target device (10: 3 – 18);

evaluating the choices to override existing values for the user interface display properties corresponding to the choices (15: 65 – 16:7). Schwartz doesn't explicitly

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disclose a device class and rendering the content based on the device-class specific for the user interface display. However, Himmel in an analogous art and similar configuration does teach customizing (rendering) user interface for specific devices (3:65 – 4:15, also see 6:17 – 43). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Schwartz and Himmel because, it minimizes additional product development efforts to create support for a variety of client devices (2: 17 – 20).

Regarding claim 2, the computer-implemented method of claim 1, wherein the device class (Himmel, 6:30 – 33, see client types) is included within an instruction to transmit the content to the target device (Schwartz, 15: 15 – 30).

Regarding claim 3, the computer-implemented method of claim 2, wherein the instruction comprises a request generated by the target device (Schwartz, 3: 10 – 25, also see 38 – 50).

Regarding claim 4, the computer-implemented method of claim 3, wherein the request comprises an HTTP request for the page file (Schwartz, 11: 15 – 25).

Regarding claim 5, the computer-implemented method of claim 3, wherein the instruction further includes an identification of the page file (Schwartz, 14: 55 – 67).

Regarding claim 6, the computer-implemented method of claim 1, wherein the information describing the content includes tags within the page file that identify at least one server object that is programmed to create the content (Schwartz, 11: 53 – 57, see tag based).

Regarding claim 7, the computer-implemented method of claim 1, wherein the statements that provide the choices include a declarative statement identifying at least one choice for at least one property of a server object corresponding to the declarative statement (Schwartz, 12:3 – 14).

Regarding claim 8, the computer-implemented method of claim 7, wherein the at least one choice applies if a pre-determined condition is satisfied (Schwartz, 9: 65 – 67, see rules).

Regarding claim 9, the computer-implemented method of claim 1, wherein compiling the application further comprises generating code that describes a control hierarchy of server objects (Schwartz, 3: 40 – 50, see network server) that are programmed to create the content (see message processor).

Regarding claim 10, the computer-implemented method of claim 9, wherein evaluating the choices comprises instantiating the control hierarchy based on the generated code (Schwartz, 3: 38 – 50, see control engine).

Regarding claim 11, the computer-implemented method of claim 9, wherein a server object includes a user interface display property and the control hierarchy further includes at least one choice for that user interface display property, the choice including a filter against which the device class of the target device is evaluated to determine whether to apply that choice to the user interface display property (Schwartz, 19: 1 – 15, see SDD corresponding to mobile devices characteristics also see control engine) of the content (also see Himmel as address above in claim 1, further discloses this in 6:5 – 25).

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Regarding claim 12, the computer-implemented method of claim 1, wherein evaluating the choices includes comparing the device class (Himmel, 6:30 – 33, see client types) of target device against a filter to determine whether to apply the existing value that choice to the user interface display property (Schwartz, 19: 1 – 15).

Regarding claim 13, the computer medium version of claim 1, see rationale as previously discussed above.

Regarding claim 14, the computer medium version of claim 3, see rationale as previously discussed above.

Regarding claim 15, the computer medium version of claim 4, see rationale as previously discussed above.

Regarding claim 16, the computer medium version of claim 5, see rationale as previously discussed above.

Regarding claim 17, the computer medium version of claim 6, see rationale as previously discussed above.

Regarding claim 18, the computer medium version of claim 7, see rationale as previously discussed above.

Regarding claim 19, the computer medium version of claim 8, see rationale as previously discussed above.

Regarding claim 20, the computer medium version of claim 9, see rationale as previously discussed above.

Regarding claim 21, the computer medium version of claim 10, see rationale as previously discussed above.

Regarding claim 26, the method of claim 1 Himmel further discloses, wherein a first user interface display property of the content to be returned identifies a graphic element and wherein the choice for the first user choice of values corresponding to different graphics, each graphic being suitable for display on a different, associated device class (Himmel, 6:17 – 25).

Regarding claim 27, the method of claim 1, Himmel further discloses wherein a first user interface display property of the content to be returned identifies a font size and wherein the choice for the second user interface display property is a choice of values corresponding to different font sizes based on the device class, each value corresponding to a font size associated with a different device class (Himmel, 7:50 – 55, "...font or font size can be dynamically adjusted...".)

5. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. USPN 6,473,609 B1 in view of Himmel USPN 6,167,441 and further in view of Dean 20020152244.

Regarding claim 28, Schwartz as modified by Himmel discloses all the claimed limitations as applied in claim 1 above. The combination of Schwartz and Kimmel doesn't disclose wherein the choice for the third user interface display property is choice of different users, each user control being suitable for display on a different, associated device class. However, Dean in an analogous art discloses a plurality of user profiles being associated with a preferred device type in a similar configuration

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see (claim 31, of prior art). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Schwartz and Dean to implement the instant claimed invention because, it would enable the system to be more customizable for a plurality of users.

Response to Arguments

6. Applicant's arguments with respect to claims 1 - 28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

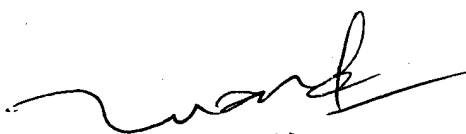
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.



TUAN DAM
SUPERVISORY PATENT EXAMINER